

Remarks

A. Pending Claims

Claims 970-979, 981-1000, 1002-1021, and 1023-1032 are pending in the case. Claims 980, 997, 1001, 1020, and 1022 have been cancelled without prejudice. Claims 979, 981, 982, 1000, 1002, 1003, 1021, 1023, and 1024 have been amended for clarification.

B. The Claims Are Not Obvious over Homan in View of Maltsis Pursuant To 35 U.S.C. § 103(a)

The Office Action includes a rejection of claims 970-982, 984-1003, 1005-1024, and 1026-1032 under 35 U.S.C. 103(a) as obvious over U.S. Patent No. 5,020,917 (“Homan”) in view of U.S. Patent No. 5,497,914 to Maltsis (“Maltsis”). Applicant respectfully disagrees with these rejections.

In order to reject a claim as obvious, the Examiner has the burden of establishing a *prima facie* case of obviousness. *In re Warner et al.*, 379 F.2d 1011, 154 USPQ 173, 177-178 (CCPA 1967). To establish a *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP § 2143.03.

Claims 970, 991, and 1012 describe a combination of features including, but not limited to, an apparatus that comprises: “a plurality of storage vessels coupled to the plurality of mixing systems, wherein each automotive appearance care product fluid is stored in one storage vessel”. The cited art does not appear to teach or suggest at least these features of claims 970, 991, and 1012.

Homan discloses: “By then attaching a water hose from an external water source and activating the system, cleaning solution of the prescribed type can be conveyed in the desired quantity to individual usage dispensers, such as 55 gallon drum-type containers having a

dispenser affixed thereto, which are located at the site. In any of these ways the mixing and metering system of the present invention permits easy and economic refilling of those dispensers." (Homan, column 2, lines 39-48). Homan further discloses: "As mentioned outlet pipe 74 may be coupled to a delivery hose in order to convey the prepared cleaning solution to transfer vessels, or directly to the on-site individual usage dispenser, depending on the location of use of the mixing and metering station." (Homan, column 5, lines 54-58). Homan appears to teach using transfer or storage vessels that are not part of the mixing and metering station.

Maltsis discloses: "A feeding device in the form of a pump 10 supplies the cleaning agent associated with the respective spray gun 5 from the supply tank 11 via a throttle 12 in the mixing device 13, where it passes a release valve 14. Also, compressed air from the compressor air reservoir 15 is fed into the mixing device 13." (Maltsis, column 1, lines 61-66). Maltsis appears to teach a supply tank that contains the cleaning agent that is then mixed with compressed air for spraying.

Thus, the cited art does not appear to teach or suggest an apparatus with at least the features of "a plurality of storage vessels coupled to the plurality of mixing systems, wherein each automotive appearance care product fluid is stored in one storage vessel" as described in claims 970, 991, and 1012. Obviousness can only be established by "showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teaching of the references." *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

Additionally, claims 970, 991, and 1012 describe the features of: "a plurality of pumps coupled to the plurality of storage vessels, wherein each pump is coupled to at least one storage vessel, and wherein the plurality of pumps are configured to produce a flow of automotive appearance care product fluids from the storage vessels during use".

In the Office Action, the Examiner states: "Homan shows storage containers 14a-14d, 16a, 16b; mixing system 74, 76; storage vessels discussed in column 5, line 56; dispensing

conduit 74, water/carrier fluid supply discussed in column 5, lines 3-39; pumps 30a-30d having conduits connected to them as seen in Figure 6”.

Homan discloses: “Hydraulic cylinders 30a, 30b, 30c and 30d have quick connect couplings 32a, 32b, 32c, and 32d, respectively, which may be Hansen 1” Quick Disconnect Couplings, for connecting thereto a hose or pipe for fluid communication with liquid bulk storage tanks 14a, 14b, 14c, and 14d (as shown in FIG. 1), respectively.” (Homan, column 4, lines 30-36). Homan appears to teach or suggest that pumps (hydraulic cylinders 30a, 30b, 30c, and 30d) are coupled to storage containers (bulk storage tanks 14a, 14b, 14c, and 14d).

As discussed above, Maltsis appears to teach that the pump is a feeding device that supplies cleaning agent from a supply tank to a mixing device. Thus, the cited art does not appear to teach or suggest at least the features of: “a plurality of pumps coupled to the plurality of storage vessels, wherein each pump is coupled to at least one storage vessel, and wherein the plurality of pumps are configured to produce a flow of automotive appearance care product fluids from the storage vessels during use” as described in claim 970, 991, and 1012.

Claims 970, 991, and 1012 further describe a combination of features including, but not limited to: “a plurality of dispensing conduits coupled to the plurality of pumps, wherein each of the dispensing conduits is coupled to at least one pump, and wherein the dispensing conduits are configured to dispense automotive appearance care product fluids during use”. The cited art does not appear to teach or suggest at least these features of claims 970, 991, and 1012.

Homan discloses: “However, that system requires the use of multiple hose reels, which is cumbersome and inefficient.” (Homan, column 1, line 68 to column 2, line 2). Homan further discloses: “Unlike the systems used in the past, the present one is simple in that it does not use multiple hose reels or hoses, but rather uses only a single hose reel and/or hose through which a variety of cleaning solution formulas may be conveyed.” (Homan, column 2, lines 13-17). Thus, Homan appears to teach only a single dispensing hose for use with a variety of fluids dispensed

from the apparatus. Homan clearly appears to teach advantages for using a single hose instead of multiple hoses.

Maltsis appears to teach multiple dispensing hoses and dispensers (spray guns). Maltsis discloses: "Six spray guns 5 with their connecting hoses 6 are suspended in a recess so that they may be easily taken down by the user and removed for use." (Maltsis, Column 1, lines 38-40).

Applying the multiple dispensing hoses and dispensers of Maltsis to the single hose system of Homan would appear to render the Homan system unsatisfactory for its intended purpose. If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

The Office Action included rejections of many of the dependent claims based on Homan in view of Maltsis. Applicant submits that many of the dependent claims are believed to be separately patentable over the cited art.

Claims 982, 1003, and 1024 describe a combination of features including: "wherein the plurality of raw materials are automatically combined with the carrier fluid and automatically provided to the plurality of storage vessels in the apparatus" in combination with the features of claims 970, 991, and 1012, respectively.

The cited art does not appear to teach or suggest automatically filling storage vessels as described in the above-quoted features of claims 982, 1003, and 1024. Homan discloses: "It may, in fact, be more preferable to simply carry elsewhere on the delivery truck a loose delivery hose which may be manually coupled to the cleaning solution output line from mixing and metering station 12 at the time of delivery of cleaning solution to the on-site individual usage dispensers." (Homan, column 4, lines 15-20). Maltsis discloses: "A level indicator or a signal light, which lights up when a refill is required, may be provided in the front for each care agent tank." (Maltsis, column 2, lines 40-42). Thus, at least these above-quoted features of claims

982, 1003, and 1024 in combination with the features of claims 970, 991, and 1012 do not appear to be taught or suggested by the cited art.

Claims 985, 1006, and 1027 describe a combination of features including: “operating the apparatus to only dispense the automotive appearance care product fluids” in combination with the features of claims 970, 991, and 1012, respectively.

In the Office Action, the Examiner states: “as anyone who uses the device is a ‘user’, the user operates the device”. Applicant respectfully disagrees. Applicant’s Specification states:

For the purposes of this patent, “manufacturer” is defined as a maker or builder of apparatus or systems described herein. A manufacturer may sell or lease an apparatus. In certain embodiments, the manufacturer may repair, replace, or maintain an apparatus or components of the apparatus.

A “distributor” is defined as a buyer or leaser of an apparatus. A distributor may further lease the apparatus to a user or customer. A distributor may use an apparatus to produce product fluids that are later sold to or consumed by users or customers. In some cases, a distributor may package the product fluids for sale or consumption. In certain embodiments, a distributor may repair, replace, or maintain an apparatus or components of the apparatus. For example, a distributor may lease an apparatus to a user and maintain a supply of raw materials for the apparatus during use by the user and/or repair any problems with the apparatus.

A “user” is defined as an end user of an apparatus or system as described herein. The user may be a customer of a distributor or manufacturer of the apparatus that uses product fluids described herein directly for automotive appearance care. In some embodiments, a user may be an automobile detailer, an automobile car wash, or an automobile auction.

(Applicant’s Specification, page 7)

Thus, a “user” as state in the above-quoted features of claims 985, 1006, and 1027 is not anyone who uses the device. The cited art does not appear to teach or suggest limiting or inhibiting access or use by a user as described in the features of these claims in combination with the features of claims 970, 991, and 1012. Applicant respectfully requests reconsideration of the features of these claims.

Claims 971, 992, and 1013 describe a combination of features including: “obtaining the apparatus from a distributor of the apparatus” in combination with the features of claims 970, 991, and 1012, respectively. The cited art does not appear to teach or suggest the features of claims 971, 992, and 1013 in combination with the features of claims 970, 991, and 1012, respectively.

Claims 972, 993, and 1014 describe a combination of features including: “coupling the apparatus to a supply of carrier fluid” in combination with the features of claims 970, 991, and 1012, respectively. The cited art does not appear to teach or suggest the features of claims 972, 993, and 1014 in combination with the features of claims 970, 991, and 1012, respectively.

Claims 973, 994, and 1015 describe a combination of features including: “coupling the apparatus to a supply of air” in combination with the features of claims 970, 991, and 1012, respectively. The cited art does not appear to teach or suggest the features of claims 973, 994, and 1015 in combination with the features of claims 970, 991, and 1012, respectively.

Claims 974, 995, and 1016 describe a combination of features including: “wherein the fee statement is provided automatically by the apparatus” in combination with the features of claims 970, 991, and 1012, respectively. The cited art does not appear to teach or suggest the features of claims 974, 995, and 1016 in combination with the features of claims 970, 991, and 1012, respectively.

Claims 975, 996, and 1017 describe a combination of features including: “wherein the fee statement for using the apparatus is based on a number of applications using the automotive appearance care product fluids” in combination with the features of claims 970, 991, and 1012, respectively. The cited art does not appear to teach or suggest the features of claims 975, 996, and 1017 in combination with the features of claims 970, 991, and 1012, respectively.

Claims 976 and 1018 describe a combination of features including: “wherein the fee statement for using the apparatus is based on a number of uses of the apparatus” in combination

with the features of claims 970 and 1012, respectively. The cited art does not appear to teach or suggest the features of claims 976 and 1018 in combination with the features of claims 970 and 1012, respectively.

Claims 977, 998, and 1019 describe a combination of features including: “wherein the fee statement for using the apparatus is based on a number of times the apparatus is refilled with raw materials” in combination with the features of claims 970, 991, and 1012, respectively. The cited art does not appear to teach or suggest the features of claims 977, 998, and 1019 in combination with the features of claims 970, 991, and 1012, respectively.

Claims 978 and 999 describe a combination of features including: “wherein the fee statement for using the apparatus is based on a specified period of time the apparatus is used” in combination with the features of claims 970 and 991, respectively. The cited art does not appear to teach or suggest the features of claims 978 and 999 in combination with the features of claims 970 and 991, respectively.

Claims 979, 1000, and 1021 describe a combination of features including: “wherein the plurality of raw materials are automatically combined with the carrier fluid in the apparatus to produce the plurality of product fluids” in combination with the features of claims 970, 991, and 1012, respectively. The cited art does not appear to teach or suggest the features of claims 979, 1000, and 1021 in combination with the features of claims 970, 991, and 1012, respectively.

Claims 981, 1002, and 1023 describe a combination of features including: “wherein the plurality of raw materials are automatically combined with the carrier fluid to produce the plurality of product fluids by the plurality of mixing systems in the apparatus” in combination with the features of claims 970, 991, and 1012, respectively. The cited art does not appear to teach or suggest the features of claims 981, 1002, and 1023 in combination with the features of claims 970, 991, and 1012, respectively.

Claims 984, 1005, and 1026 describe a combination of features including: “prompting the apparatus to automatically dispense at least one automotive appearance care product fluid” in combination with the features of claims 970, 991, and 1012, respectively. The cited art does not appear to teach or suggest the features of claims 984, 1005, and 1026 in combination with the features of claims 970, 991, and 1012, respectively.

Claims 986, 1007, and 1028 describe a combination of features including: “dispensing each of the automotive appearance care product fluids individually” in combination with the features of claims 970, 991, and 1012, respectively. The cited art does not appear to teach or suggest the features of claims 986, 1007, and 1028 in combination with the features of claims 970, 991, and 1012, respectively.

Claims 987, 1008, and 1029 describe a combination of features including: “varying the flow of at least one automotive appearance care product fluid using an adjustable fluid applicator” in combination with the features of claims 970, 991, and 1012, respectively. The cited art does not appear to teach or suggest the features of claims 987, 1008, and 1029 in combination with the features of claims 970, 991, and 1012, respectively.

Claims 988, 1009, and 1030 describe a combination of features including: “moving the apparatus such that the apparatus is located proximate the automobiles to be treated using the automotive appearance care product fluids” in combination with the features of claims 970, 991, and 1012, respectively. The cited art does not appear to teach or suggest the features of claims 988, 1009, and 1030 in combination with the features of claims 970, 991, and 1012, respectively.

Claims 989, 1010, and 1031 describe a combination of features including: “wherein the plurality of storage containers are provided by a distributor of the apparatus” in combination with the features of claims 970, 991, and 1012, respectively. The cited art does not appear to teach or suggest the features of claims 989, 1010, and 1031 in combination with the features of claims 970, 991, and 1012, respectively.

Claims 990, 1011, and 1032 describe a combination of features including: “wherein the plurality of raw materials are provided by a distributor of the apparatus” in combination with the features of claims 970, 991, and 1012, respectively. The cited art does not appear to teach or suggest the features of claims 990, 1011, and 1032 in combination with the features of claims 970, 991, and 1012, respectively.

Applicant respectfully requests reconsideration of the obviousness rejection of claims 970, 991, and 1012, and the claims dependent thereon.

C. The Claims Are Not Obvious over Homan as Modified by Maltsis and further in view of Parks Pursuant To 35 U.S.C. § 103(a)

The Office Action includes a rejection of claims 983, 1004, and 1025 under 35 U.S.C. 103(a) as obvious over Homan as modified by Maltsis as applied to claims 970, 991, and 1012 above, and further in view of U.S. Patent No. 4,632,275 to Parks (“Parks”). Applicant respectfully disagrees with these rejections.

Claims 983, 1004, and 1025 describe a combination of features including: “wherein each of the plurality of storage vessels is automatically refilled with product fluid when a level of fluid in each storage vessel is below a selected value” in combination with the features of claims 970, 991, and 1012, respectively. For at least the reasons cited in reference to claims 982, 1003, and 1024 above, the cited art does not appear to teach or suggest the features of claims 983, 1004, and 1025 in combination with the features of claims 970, 991, and 1012, respectively.

D. Double Patenting Rejection

Claims 970-1032 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of various copending U.S. Patent Applications. Upon issuance of a patent for one of the copending U.S. Patent Applications or the present application, or upon applications being in condition for allowance but

for the provisional double patenting rejection, Applicant will provide arguments for the inappropriateness of the double patenting rejection and/or provide a terminal disclaimer for the patent and/or patent applications.

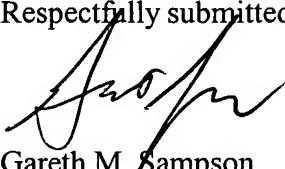
E. The Prior Art of Record

Applicant has reviewed the prior art made of record and not relied upon but considered pertinent to Applicant's disclosure identified in Item 7 of the Office Action. Applicant believes that this prior art made of record does not teach or suggest the combinations of features described in the pending claims of the application.

F. Summary

If any extension of time is required, Applicant hereby respectfully requests the appropriate extension of time. If any fees are inadvertently omitted, please appropriately charge those fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account Number 50-1505/5082-09908/EBM.

Respectfully submitted,



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